IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No 3408 of 1996

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAYABEN MOHANLAL DALVADIA

Versus

STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 3408 of 1996
MR KJ KAKKAD for Petitioner No. 1
Mr. Mr. H.M. Prachchhak, AGP for Respondent No. 1
MR DA BAMBHANIA for Respondent No. 2
MR PARESH UPADHYAY for Respondent No. 2
MR JB PARDIWALA for Respondent No. 3

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 23/12/2004

ORAL JUDGEMENT

1. The petitioner was working, at the relevant time, with the respondent No.3 on a consolidated monthly salary of Rs.500/-. The grievance made by the petitioner is that, though she had been serving since 1986, she was not given the benefit of regular employees given to similarly situated persons. For this purpose, the petitioner has also relied upon the Circular dated 22nd March 1993 issued by the Finance Department of the respondent No..1.

2. According to the petitioner, she was entitled to

be absorbed in the permanent set-up of the respondent No.3 and, therefore, certain benefits, which were given in the judgment and order dated 30th April 1996 in Special Civil Application No.8649 of 1994, by the learned single Judge of this Court, may be extended to the petitioner in view of her similar circumstances.

3. Today, when this matter is called out for final hearing, the learned Assistant Government Pleader, Mr. H.M. Prachchhak, has placed communication dated 22nd May 1997 addressed by the learned Civil Judge (S.D.), Rajkot, to the learned District Judge, Rajkot, who, in turn, forwarded the same, vide communication dated 27th May 1997, to the Office of the Government Pleader, High Court of Gujarat, conveying that the petitioner had submitted voluntary resignation and the same was accepted by the competent authority. According to the petitioner, she had got a job at Sub-Jail, Surendranagar and, therefore, she had resigned. In view of the above, the subject matter of the present petition is not required to be adjudicated further. Copies of the communication dated 22nd May 1997 and 27th May 1997 are ordered to be taken on record. The learned advocate for the petitioner is not in a position to dispute this factual aspect. When the petitioner is no more in the services of the respondent No.3 since 1997, no cause of action for regularising her services arises at this stage. Hence, this petition is rejected. Rule is discharged with no order as to costs.

(Anant S. Dave, J.)

(swamy)